

**TOWN OF DAVIE
REGULAR MEETING
FEBRUARY 21, 2007**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Crowley, Councilmembers Caletka, Starkey and Paul (arrived at 7:00 p.m.). Also present were Town Administrator Shimun, Town Attorney Cherof, and Assistant Town Clerk McDaniel recording the meeting.

Mayor Truex stated staff requested that item 4.6 be tabled to March 22, 2007.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table item 4.6 to March 22, 2007. In a voice vote, with Councilmember Paul being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex announced that item 3.2, a presentation by the Police Athletic League, needed to be added to the agenda.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to add. In a voice vote, with Councilmember Paul being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex asked why items 4.32 and 4.33 were being added as walk-on items instead of scheduling them for the next meeting. Mr. Shimun said the items were time sensitive.

Vice-Mayor Crowley made a motion to add item 4.32 to the agenda.

Councilmember Starkey wanted to know why item 4.32 was time sensitive, as she had just received the information. Mayor Truex seconded the motion to add the item to the agenda and indicated that the item could be discussed at the time it came up.

In a voice vote, with Councilmember Caletka dissenting and Councilmember Paul being absent, all voted in favor. (Motion carried 3-1)

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to add item 4.33. In a voice vote, with Councilmember Paul being absent, all voted in favor. (Motion carried 4-0)

3. PRESENTATIONS

3.1 FAU Hometown Tour -Vice-President Joyanne Stephens

Ms. Stephens gave a PowerPoint presentation describing the growth and activities at FAU in the past 18 years and the planned expansion. She invited Council to contact her at any time. Councilmember Starkey thanked Ms. Stephens for the partnerships she had provided for schools and teachers.

3.2 Police Athletic League

Pete Baucums described the boxing program and asked for help and support for the program.

Donna Evans explained that the League also had a life skills program for teens, Cub Scouts and Girls Scouts, homework assistance, the Human Urban Growth [HUG] program, basketball programs, horseback riding, ballet, and Young at Art programs.

Mark Riveria, CEO of Cherpi Company, described the programs his company provided at PAL.

Ira Goldberg, BSO Officer and PAL basketball coach, thanked the Town for its support, and announced that they now had three teams, and would travel to Tampa for the Nationals this year.

Bernie Weiner, former director of the Miami Beach PAL and Sergeant of Arms for the National PAL, discussed a program Jacksonville used to help fund their PAL whereby a \$1 per hour surcharge was

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added to police officers' off-duty details. He explained over \$400,000 had been raised the first year the program was instituted. Mr. Weiner said he was also working to obtain NFL monies.

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 November 1, 2006 (Regular Meeting) (tabled from February 7, 2007)
- 4.2 November 15, 2006 (Regular Meeting)
- 4.3 November 30, 2006 (Special Meeting)

Resolutions

- 4.4 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**
R-2007-53 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF DAVIE AND EDSA FOR THE REGIONAL ACTIVITY CENTER (RAC) MASTER PLAN; PROVIDING FOR AN AMENDED SCOPE OF SERVICE TO COMPLETE SAID MASTER PLAN; PROVIDING FOR A FEE SCHEDULE AND PROJECT PHASING; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from February 7, 2007)
- 4.5 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT TO MODIFY BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND FERNCREST UTILITIES TO PROVIDE BULK WATER AND SEWAGE SERVICE; AND PROVIDING AN EFFECTIVE DATE. (tabled from February 7, 2007)
- 4.6 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
AUTHORIZING THE MAYOR TO EXECUTE A LEASE AMENDMENT TO AN EXISTING LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND AMERICAN TOWER CONCERNING THE MONOPOLE TELECOMMUNICATIONS TOWER LOCATED AT 3600 FLAMINGO ROAD; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from February 7, 2007)
- 4.7 **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2007-54 FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND AMERICAN COACH LINES OF MIAMI, INC. FOR BUS TRANSPORTATION SERVICES. (\$3,000 - senior programs; \$10,400 - summer programs; and \$16,250 - Summer Daze program)
- 4.8 **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2007-55 FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND SUNSHINE AFTER SCHOOL CHILD CARE, INC. TO RENT DAVIE PINE ISLAND MULTIPURPOSE CENTER FOR AFTER SCHOOL, EARLY RELEASE DAYS, SCHOOL DAYS OFF, WINTER BREAK AND SPRING BREAK AND EXTENDED SUMMER DAY CARE PROGRAMS. (\$4,750 revenue)

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- 4.9
R-2007-56 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN OF DAVIE AND THE SOUTH BROWARD SOFTBALL UMPIRES ASSOCIATION, INC. FOR A PERIOD OF ONE YEAR FOR ADULT AND FAST PITCH SOFTBALL OFFICIALS. (\$18,000/year)
- 4.10
R-2007-57 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH WILLIAMS PAVING CO., INC. TO CONSTRUCT HIATUS ROAD AT ORANGE DRIVE TURN LANE IMPROVEMENTS. (\$909,898)
- 4.11
R-2007-58 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN SADDLEBROOK @ DAVIE HOA, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL AND AUTHORITY TO ENTER PREMISES.
- 4.12
R-2007-59 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE FIRE RESCUE TO ENTER INTO AN AGREEMENT WITH THE SCHOOL BOARD OF BROWARD COUNTY (SBBC) TO ALLOW ADULT STUDENTS TO PARTICIPATE IN EMERGENCY MEDICAL SERVICE (EMS) FIELD CLINICALS
- 4.13
R-2007-60 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH BROWARD COUNTY FOR THE INSTALLATION OF A SPECIAL AIR MONITORING DEVICE AT FIRE STATION 91 AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.
- 4.14
R-2007-61 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF HEALTH TO STORE CHEMICAL ANTIDOTE KITS KNOWN AS CHEMPACKS AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.

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- 4.15
R-2007-62 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIAL TO ENTER INTO AN APPLICATION WITH BROWARD COUNTY TO ACCEPT A GRANT FROM BROWARD COUNTY AND THE URBAN AREAS INITIATIVE (UASI) WITH THE FINANCIAL ASSISTANCE FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$37,800.00 AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.
- 4.16
R-2007-63 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING BID NUMBER E106020B2 AWARDED BY BROWARD COUNTY TO EVERGLADES FARM EQUIPMENT FOR GENERATORS (NON-SHELTERED MARKET) UTILIZING GRANT FUNDING FROM THE EMERGENCY MANAGEMENT, PREPAREDNESS AND ASSISTANCE TRUST FUND TO PURCHASE A PORTABLE GENERATOR. (\$36,504)
- 4.17
R-2007-64 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF SIX (6) AUTOPULSE, AUTOMATIC CHEST COMPRESSION DEVICES (ACCD) AND RELATED ACCESSORIES FROM ZOLL MEDICAL CORPORATION UNDER A STATE OF FLORIDA EMS MATCHING GRANT (\$98,835.00).
- 4.18
R-2007-65 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS NOT TO EXCEED \$14,000.00 FOR THE PURCHASE OF NEW FIREARMS FROM SIGARMS TO REPLACE OBSOLETE EQUIPMENT AND REPLACE WITH NEW ADVANCED EQUIPMENT FOR THE TOWN OF DAVIE POLICE DEPARTMENT.
- 4.19
R-2007-66 **DELEGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "NEW TOWN COMMERCE CENTER," AND PROVIDING AN EFFECTIVE DATE. (DG 1-1-07, 4041 SW 47 Avenue)
- 4.20
R-2007-67 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "SADDLE BRIDGE" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 9-1-05, Saddle Bridge, generally located on the south side of Griffin Road between SW 76 Avenue and SW 78 Avenue) **[see related items 4.30 and 6.5]** *Planning and Zoning recommended denial*

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- 4.21
R-2007-68 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "YOHIMBEE ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 6-1-06, Yohimbee Estates, 6125 SW 59 Court) *Planning and Zoning recommended approval*
- 4.22
R-2007-69 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE METROPOLITAN CENTER AT FIU AND CARRAS COMMUNITY INVESTMENT INC., TO UNDERTAKE PLANNING, RESEARCH, AND POLICY DEVELOPMENT RELATED TO THE TOWN'S AFFORDABLE HOUSING CRISIS AND THE IMPACT OF MOBILE HOME REDEVELOPMENT ON DAVIE RESIDENTS, AND SERVE AS THE TOWN'S FACILITATOR FOR DAVIE'S MOBILE HOME TASK FORCE. (not budgeted - \$45,000)
- 4.23
R-2007-70 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY FOR THE EXPENDITURE OF FY 2003/04 AND FY 2004/05 FEDERAL HOME INVESTMENTS PARTNERSHIP PROGRAM (HOME) FUNDS IN THE TOTAL AMOUNT OF \$312,704 TO PROVIDE FOR CLOSING COSTS AND DOWN PAYMENT ASSISTANCE TO FIRST-TIME HOMEBUYERS EARNING 80%< OF THE ANNUAL MEDIAN INCOME LEVEL.
- 4.24
R-2007-71 **MOBILE HOME TASK FORCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CREATING A TASK FORCE FOR THE STATED PURPOSE OF STUDYING AND RECOMMENDING SOLUTIONS TO THE AFFORDABLE HOUSING PROBLEMS WITHIN THE TOWN OF DAVIE WHICH ARE EXACERBATED BY THE DISPLACEMENT OF MOBILE HOME RESIDENTS.
- 4.25
R-2007-72 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS IN THE AMOUNT OF \$11,575.00 FOR THE PURCHASE OF POWER DMS SOFTWARE FROM INNOVATIVE DATA SOLUTIONS FOR SOFTWARE MANAGEMENT OF THE DAVIE POLICE DEPARTMENT'S GENERAL ORDERS.

Temporary Use Permits

- 4.26 TU 12-1-06, Regency Square Parcel A, 4765 SW 148 Avenue (construction trailer)
- 4.27 TU 1-1-07, Saint David's Catholic Church, 3900 South University Drive (two carnivals)
- 4.28 TU 1-2-07, Grif's Western, Inc., 6211 Orange Drive (outside sales event)
- 4.29 TU 1-3-07, Burkhard's Tractor & Equipment, Inc., 4180 South University Drive (sales event)

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Quasi-Judicial Consent Agenda

4.30 CMSP 9-2-05, Saddle Bridge, Griffin Road, east of University Drive (Griffin Road Corridor) [see related items 4.20 and 6.5] *Site Plan Committee recommended - 09/26/06 - approval subject to staff comments and the following additional comments: 1) regarding the bridge over the lake, the applicant will provide a detail of the bridge to add to the plans, that four column posts will be added, one in each corner of the bridge with post lighting to add lighting to the bridge, and the detail will include the stone as described at this meeting; 2) add lighting details to the plans as far as lighting fixtures for the community which had not been provided at this meeting; 3) on the office/retail/commercial building, revise the openings and roof design to increase the enclosure of both stairways and add additional Bahamas shutters for closures; 4) on the office/retail/commercial building the decorative roof brackets need to be coordinated in order to be consistent with the rendering; 5) on the residential units, correct the rendering to reflect that the doors on the street side near the garages are to match the plans which show the door in front and not on the side; 6) add a crosswalk between buildings five and eight; 7) on the commercial building, create a "sign band" area for all the retail spaces which will be accomplished by raising the canopy and addressing the scoring designs to provide for that; and 8) the developer would work with staff to come up with a development agreement similar to Willow Grove as to the timing and completion of the commercial structure; 01/23/07 - the Committee would like the old site plan back with two-story townhouses and 40,000 square-feet of commercial, and if it could be done without access onto 76th Avenue, they had no objections*

4.31 SP 2-1-06, EFFCU - Lakeside Town Shops, northeast corner of Stirling Road and University Drive (CC) *Site Plan Committee recommended approval subject to the staff report and the staff's recommendation number one and the following conditions: 1) that the awning colors are maintained as shown; 2) that the applicant substitute the "High Rise Live Oaks" with Live Oaks and substitute the Madagascar Olives with Cassia Surattensis; 3) that the parking and main drive isles maintain a minimum lighting of three-foot candles and other areas may exceed three-foot candles; and 4) minimize the size of the air conditioning screens and revisit the location of units*

Items to be added

4.32 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO. 03-733 & CASE NO. 04-764 FROM \$354,500.00 IN AMOUNT TO \$20,000.00 AND PROVIDING AN EFFECTIVE DATE. (Puello)

4.33 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-2007-73 TOWN ADMINISTRATOR TO REQUEST THE RETURN OF \$275,000 FROM ALLIANZ LIFE INSURANCE COMPANY OF NORTH AMERICA; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Caletka pulled items 4.12, 4.26, 4.31 and 4.32 from the Consent Agenda. Councilmember Starkey pulled items 4.4, 4.5, 4.10, 4.22 and 4.24. Councilmember Paul pulled items 4.20 and 4.30. Mayor Truex pulled item 4.33.

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Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the Consent Agenda less items 4.4, 4.5, 4.10, 4.12, 4.20, 4.22, 4.24, 4.26, 4.30, 4.31, 4.32 and 4.33. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.22 Shirley Taylor-Prakelt, Housing and Community Development Director, explained that the moratorium [item 6.1] would allow time to study the affordable housing crisis in Davie, which had been exacerbated by the proposed redevelopment of mobile home parks. Item 4.22 allowed for the creation of a task force that would study the issue. Ms. Taylor-Prakelt indicated that she had provided a list of individuals who had expressed interest in serving on this task force from which Council could select their appointments.

Ms. Taylor-Prakelt recommended that the Town contract with an agency to serve as a neutral facilitator to take the task force through the process and develop solutions. Pursuant to this, she had created an RFP and selected Carras Community Investment as the most qualified candidate. Mr. Cherof explained to Mayor Truex asked that the agreement in item 4.22 complied with the Town's bid procedure.

Councilmember Paul asked where the funds for this were located, since it had not been budgeted. Mr. Shimun said that funds would need to be identified. Assistant Town Administrator Ken Cohen noted that in the budget process, monies had been set aside for unfunded issues and these funds could be used with no impact on the budget. Councilmember Starkey thought they had set aside monies for the affordable housing workshop, and felt they should also pursue grant funds.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.24 Mayor Truex advised that in Section 1 of the resolution, he wanted mobile homes specifically mentioned. Ms. Taylor-Prakelt said this was intended, and agreed to add. Councilmember Starkey wanted the item to name affordable, attainable and workforce housing, and the impact of mobile home park redevelopment. In Section 4, instead of specifying that the task force would meet every month, Mayor Truex felt it should indicate "not less than monthly." Regarding membership, Mayor Truex wanted a quorum of the task force to be based upon its total membership, in the event they could not make all 12 appointments. Councilmember Caletka suggested including the language "or their designee" to allow appointed representatives to be selected to serve on the task force.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve item 4.24 with the corrections to Sections 1 and 4. In a voice vote, all voted in favor. (Motion carried 5-0)

4.4 Councilmember Starkey was concerned that some of these issues were relevant in light of the mobile home park study.

Pete Witchen, Chair of the Regional Activity Steering Committee, asked to withdraw the affordable housing element of the Regional Activity Center Master Plan. Mayor Truex asked for a breakdown of the costs. Mr. Witchen informed Council that Exhibit B would be reduced by \$47,000.

Kona Gray, representing EDSA, said they recommended ERA Research Associates to conduct the economic development portion of the study. He explained they had issued a request for proposal and three of the six participants had responded.

Councilmember Paul thought it was important that the studies overlap, since the task force was specifically addressing mobile home issues, and felt they should "have more eyes on this than just the task force." Mr. Witchen said they wanted to see the results of the study to avoid duplicating the task force's efforts. Councilmember Starkey said her concern had been that a Regional Activity Study might be in conflict with the task force goals. Mr. Cohen said they were withdrawing it now in order to determine the

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parameters of the task force study regarding affordable housing, and it was possible that later, they would supplement this.

Mr. Witchen confirmed for Vice-Mayor Crowley that the cost for the economic development study was \$35,000.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve the \$35,000 fund for the EDS study. Mr. Witchen noted there was an additional \$15,000 administrative expense component that must be added to the motion, and Vice-Mayor Crowley amended his motion to include this. In a voice vote, all voted in favor. (Motion carried 5-0)

4.5 Sam Poole explained that there was an error in the memo and asked that the item be tabled.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to table to the next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

4.10 Councilmember Starkey said they had been working on traffic calming for three years, and wondered why it was not included in this contract. Mr. Cohen explained that these items could not be bid together because one must be completed first, and each would take more than three months, which was the limit for locking in a price. When this was half completed, they would bid the second so it could be started as soon as this was complete.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.12 Councilmember Caletka said he would recuse himself on this item because he was a school board employee.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Caletka abstaining, all voted in favor. (Motion carried 4-0)

Mr. Cherof explained that determining a conflict of interest was at the discretion of the Councilmember. If a Councilmember was unsure, he or she should consult with the Florida Commission on Ethics.

4.26 Councilmember Caletka asked the applicant when he thought the project would be complete and the trailer removed. Michael Fellgiano, representing the applicant, said the trailer would be on the property approximately six months.

Mayor Truex felt they must specify a length of time, instead of tying the trailer's presence to the certificate of occupancy. He encouraged staff to adopt this practice in future. Planning and Zoning Manager Bruce Dell agreed.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve, with a timeframe of 12 months for the trailer to remain. In a voice vote, all voted in favor. (Motion carried 5-0)

4.31 Mr. Cherof read the rules of evidence and swore in the witnesses.

Councilmembers disclosed communications they had regarding this item. Town Engineer Larry Peters summarized the staff report.

David Roberts, representing the applicant, offered to address any questions Council had. Councilmember Caletka said a citizen had asked if a traffic study had been performed. Mr. Roberts believed that traffic studies were done for the development in the past. Mr. Dell said this out lot was approved as part of the larger project. Councilmember Caletka wanted traffic specifics, and Mr. Dell

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agreed to provide these at a later date. He noted that this would have been a component of the master site plan approval.

Vice-Mayor Crowley remembered discussions Council previously had regarding road improvements, an additional traffic light and a crosswalk that were included as conditions of their approval of the master site plan. Mr. Peters said the traffic light would be installed after all of the parcels had received certificates of occupancy. He explained that after the parcels were complete, a traffic analysis would be done to determine if a traffic light was warranted.

Councilmember Paul was concerned that conditions Council included in their approvals were getting lost. Mr. Dell said that staff were developing an approval letter process to stipulate all of staff's and Council's conditions, and include an expiration date. He said that currently, Council's conditions were supposed to be added to the staff report, but he was not certain this was happening. Mr. Cherof said he had provided a model development order that included conditions for approval for staff to review. Conditions for approval became exhibits to the development order, which was a binding document.

Mr. Cherof opened the public hearing portion of the meeting.

Myrna Gallo felt people had been present wishing to speak on the item, but had left because it was pulled. Councilmember Paul explained that "pulled" meant the item would be discussed.

Mr. Cherof closed the public hearing.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve including staff's and the Site Plan Committee's recommendations. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

4.32 Councilmember Caletka requested this item be tabled to next meeting.

Code Compliance Official Daniel Stallone stated that sale of the property was pending for the end of the month, and the federal government was involved in actions related to civil forfeiture of the property. Estate attorneys had indicated that if this sale did not occur, the federal government would intercede, blocking the Town's ability to recover their fines on the property. The potential buyers had guaranteed a \$20,000 settlement fee. The mitigation amount was \$400,000 and the Town's lien was \$354,000. Mr. Stallone recommended trying to recover half the lien amount, approximately \$175,000.

Mr. Stallone informed Mr. Cherof that the parties had seemed committed to the \$20,000 offer, and reiterated the potential difficulties the Town may encounter in making any recovery because of the possible intervention of the federal government.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to pursue the full \$354,000 lien amount. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4 - 1)

4.33 Mr. Shimun explained that he had written a letter pursuant to Council's direction, and he needed to prove he was authorized by the Town to accept an offer.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. Councilmember Starkey suggested that all information on this item be added to the record. She asked if Mr. Cherof recommended this action, and Mr. Cherof indicated he did. In a voice vote, all voted in favor. (Motion carried 5 - 0)

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4.20 and 4.30 These items were approved with conditions later in the meeting [see item 6.5].

6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 6.1 **MORATORIUM - AN ORDINANCE OF THE TOWN OF DAVIE, PROVIDING**
2007-4 **FOR A MORATORIUM ON THE ACCEPTANCE OF DEVELOPMENT**
APPLICATIONS FOR THE REDEVELOPMENT OF MOBILE HOME PARKS
WITHIN THE CORPORATE LIMITS OF THE TOWN; PROVIDING FOR
EXEMPTIONS; PROVIDING FOR VESTED RIGHTS; PROVIDING FOR APPEALS;
PROVIDING FOR EXHAUSTION OF ADMINISTRATIVE REMEDIES;
PROVIDING A TERM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR
AN EFFECTIVE DATE. {Approved on First Reading on January 17, 2007 - all
voted in favor}

Earlier in the meeting, Mr. Cherof read the ordinance by title.

Ms. Taylor-Prakelt announced that no mobile home park was exempt from the moratorium, noting that there was some confusion in the community due to an article in the newspaper.

Mayor Truex said he strongly supported the item and it appeared there was no one in attendance who opposed it. Councilmember Caletka and Vice-Mayor Crowley agreed, and wanted to move the item forward. Councilmember Starkey agreed, and said the overwhelming majority of residents in her district supported this.

Mayor Truex opened the public hearing portion of the meeting.

Frank Serra stated that the residents supported the moratorium and the task force. He asked that Council approve the ordinance and create the task force.

An unidentified man described problems he was experiencing relocating his mobile home, and the need to develop solutions to the problem.

Phillip Busey “strongly urged” Council to enact the moratorium. He asked Council to reconsider the redevelopment of the 73rd Avenue mobile home community that was approved on January 17th. He noted that the Planning and Zoning Board had recommended denial of that application.

Roy Adams noted the stress many residents experienced due to the increased costs of living, and suggested a longer moratorium. He asked how many applications there were for mobile park redevelopment, and Mayor Truex informed him that there was currently none.

Denver Edwards said she had been displaced after Hurricane Wilma, and now lived at Sunshine Village. She supported the moratorium and agreed with Mr. Adams that the extension should be longer. Ms. Edwards noted that the threat of redevelopment would prevent her from purchasing a mobile home.

Brenda Arenbuela explained that 31% of her third-grade class was in danger of losing their homes. She felt Council should do all they could to help mobile home dwellers keep their homes.

An unidentified woman felt the one-year moratorium was only a “bandage.” She noted that builders tended to visit planning departments to discuss plans for properties they intended to purchase. The woman felt that if staff had warned developers away from plans to purchase and redevelop mobile home parks, developers would have moved on. She continued that new housing in Davie was almost exclusively luxury housing, and middle-income families were effectively priced out of this market. The woman asked Council to enact the moratorium.

Lisa Arbelo supported the moratorium and also remarked on the wonderful programs offered by the PAL.

An unidentified man presented a petition with 75 signatures in favor of the moratorium. He wanted the moratorium to include a prohibition against evicting mobile park residents. Mr. Cherof stated the ordinance could not prohibit evictions as this was pre-empted by State Statute.

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Mr. Serra interpreted for a Spanish-speaking resident, explaining her experience living in a mobile park that had recently closed in Plantation. She asked for Council's help with the mobile park issues on behalf of everyone affected.

Scott Cristle said many people were concerned the moratorium would last only six months, and asked Council to enact the longest moratorium possible.

Janet Riley pointed out that Council was showing excellent leadership, and hoped others would follow.

An unidentified man said he had lived in Sunshine Village for 13 years and was looking forward to retirement. He thanked Council for their actions, but felt the moratorium should be longer. The man was concerned about allowing task force members to appoint designees, fearing that mobile park owners would "stack the thing with lawyers, and lawyers against homeowners is not a fair trade." He offered to serve on the task force. The man felt developers wanted to "bulldoze us to put up \$400,000 homes. If a person can afford \$400,000, they can go anywhere - we can't."

Jody Kastly supported the moratorium, but felt Council should go further. She remarked on a news story that someone had been compensated \$3,000 for lost luggage, and noted that her house was certainly worth more than that.

Myrna Gallo said they had been served eviction notices and had appealed. She offered to serve on the task force. Ms. Gallo noted that when homes were taken by eminent domain, homeowners were paid market value for their homes, and she felt mobile home owners should be offered the same.

Mitchell Chester said this was a "human rights issue" and thanked Council for addressing the problem. He urged the task force to contact county, state and federal officials for input and that they also consider unconventional solutions.

Another resident also felt the moratorium should last more than one year.

Claudia Moral remarked on how the high cost of living in the area necessitated her family's living in a mobile home. She asked Council to approve the moratorium.

Mayor Truex closed the public hearing.

Mr. Cherof clarified that the moratorium would automatically end after one year, but could be extended by Council if staff or the task force had not completed its work. This extension would also require an additional public hearing. Mr. Cherof said that the goal was to develop changes to the Town's Code that could be in place when the moratorium ended, eliminating the need for an extension.

Mayor Truex said it was important to include mobile park owners on the task force because they must all work together to address the problem. Councilmember Starkey agreed with the resident who was concerned about the task force containing too many lawyers as designees for the owners. She thought the designees should be residents or managers, not attorneys. Councilmember Paul reminded everyone that Council was appointing members of the task force, and could exercise their discretion.

Vice-Mayor Crowley remarked that this was a statewide problem, and urged residents to contact their state representatives. Councilmember Paul said the task force could invite state legislators to work with them to discuss changes to state statutes.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to reconsider item 4.24 to defining the task force membership.

Councilmember Caletka agreed with Councilmember Paul that Council could use their discretion when appointing task force members. Vice-Mayor Crowley said they could discuss this subject under the appointment agenda items.

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In a voice vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - no; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion denied 4-1)

6.2 **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 2007-5 APPROVING VACATION PETITION VA 7-1-05 "THREE OAK BUSINESS CENTER", VACATING PUBLIC RIGHT-OF-WAY AS SHOWN ON THE PLAT OF "DAVIE TROPICANA REPLAT", AS RECORDED IN PLAT BOOK 165, PAGES 12, OF THE PUBLIC RECORDS OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 7-1-05, Three Oaks Business Center, 5951 Orange Drive) *Planning and Zoning Board recommended approval {Approved on First Reading on January 17, 2007 - all voted in favor}***

Mr. Cherof read the ordinance by title. Mr. Peters summarized the staff report.

Councilmember Paul asked what the Town would get in exchange for the right-of-way. Linda Strick, representing the applicant, said the property would now be subject to property taxes, and would be redeveloped and maintained as retention, landscaping, and a portion of the parking area.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve subject to staff and the Planning and Zoning Board's recommendations. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-1)

Ordinance - First Reading (Second and Final Reading to be held March 7, 2007)

6.3 **RELEASE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PETITION FOR THE RELEASE OF A CANAL RESERVATION AND ROAD RIGHTS-OF-WAY FOR THE NORTHEAST CORNER OF FLAMINGO ROAD AND ORANGE DRIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from February 7, 2007)**

Mr. Cherof read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held on March 7, 2007.

Mayor Truex opened the public hearing and noted that the applicant was not present. Mr. Cherof indicated that the item could move forward and that Council would have the opportunity to compel statements at the second reading.

Vice-Mayor Crowley asked about specific rights-of-way. Mr. Dell explained that the applicant was requesting canal reservations and roads right of ways within their boundaries.

Mayor Truex recommended that the item be tabled until the applicant was present.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to table the item to the next meeting [March 22, 2007]. In a voice vote, all voted in favor. (Motion carried 5-0)

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Resolutions

- 6.4 **LOCAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2007-74 **APPROVING THE SUBMISSION OF COMMUNITY BUDGET ISSUE REQUESTS TO THE FLORIDA LEGISLATURE AND APPROPRIATION REQUESTS TO THE U.S. CONGRESS TO SEEK SUPPORT FOR THE TOWN'S PRIORITY LOCAL PROJECTS. (tabled from January 17, 2007)**

Mr. Cherof read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.5 **FLEX ALLOCATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2007-75 **AUTHORIZING THE ALLOCATION OF RESIDENTIAL RESERVE UNITS TO THE "SADDLE BRIDGE" PLAT; AND PROVIDING FOR AN EFFECTIVE DATE. (FX 9-1-05, Saddle Bridge, generally located on the south side of Griffin Road between SW 76 Avenue and SW 78 Avenue) [see related items 4.20 and 4.30] *Planning and Zoning recommended denial***

Scott Backus, representing Centerline Homes, had no objection to hearing items 4.20, 4.30 and 6.5 at the same time.

Mr. Backus reminded Council that he had presented the site plan in October, and then revised the site plan incorporating the suggestions made at that meeting. He described the changes made: doubling the commercial square footage; adding a second building; removing a lake from the site; reducing residential units by 20%; eliminating all access to SE 76th Avenue; moving development at least 500 feet from 76th Avenue, with a lake between the development and 76th Avenue; reducing all units to two stories; increasing the number of units with two-car garages; and increasing unit widths to 18 to 20 feet.

Mr. Backus said that the applicant had held another public participation meeting, which five members of the public attended, and the response had been "far more favorable."

Mr. Backus informed Vice-Mayor Crowley that the applicant was no longer requesting vacation of the 48th Avenue right-of-way. Mr. Backus said they were willing to widen the canal to the south to ensure the right-of-way could never be used for a road.

Mr. Dell informed Mayor Truex that fire access had been signed off as part of the Development Review Committee process.

Mr. Backus informed Councilmember Paul that each building contained six units, and each end unit had a two-car garage.

Vice-Mayor Crowley said residents were complaining about the lights on the signage on the parcel adjacent to this one. Mr. Backus said the lighting had been approved, but he would look into this.

Mr. Backus confirmed for Mayor Truex that they intended to build in one phase.

Mr. Cherof opened the public hearing portion of the meeting.

Tim McCarthy wanted the Council to be aware that his homeowner's association had been in the red for the past 16 months because Centerline had not paid what they were supposed to for the commercial building. The association was now forced to ask the homeowners for a special assessment to make up the difference.

Susan Coley Theodosio felt the new plan was more acceptable, but she was still concerned with the road behind the complex that might connect to University Drive. She asked what aeration would be

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provided to prevent the lake's becoming stagnant. Jonathan Keet, representing Centerline Homes, stated that the large lake should not require aeration, and it would be connected to the canal on the south side.

Valerie Bamford remarked that the new plan was much better than the old plan. She thought pavers should be included on all of the crosswalks and also recommended that the landscape berm be raised slightly.

Robert Stiegel, executive vice president of Centerline Homes, said they had been unaware of the issue Mr. McCarthy brought up. He said the management company had not billed the developer properly, and assured Mr. McCarthy that any shortfalls would be addressed. Mr. Stiegel agreed to consider the lighting issue and the pavers as well. Mr. Dell wanted it noted that stamped concrete could be used instead of pavers per DOT's request.

Ms. Theodosio wondered why the developer was building two more commercial properties next door to a commercial property that already had low occupancy.

Mr. Cherof closed the public hearing.

Council disclosed communications they had regarding this item.

Councilmember Paul noted that the flex allocation was required to build the residential units, and wanted to know why the Planning and Zoning Board had recommended denial. Mr. Backus explained that the Board wanted additional commercial units.

Mayor Truex wanted to be sure the project was built in one phase, and asked how the Certificate of Occupancy had been done for the last project. Mr. Stiegel said they were required to have the commercial building started prior to the issuance of the last residential Certificate of Occupancy. He asked that they be allowed to start the second building when the Certificate of Occupancy for the last residential building was issued. Mayor Truex said the Town might also request specifications regarding the lighting that were different from code.

Mr. Stiegel said the lighting at Willow Grove met Code, and they had provided shields for many of the lights. Mayor Truex asked that the same be done for this project. Mayor Truex felt the architectural style needed some work as well. Mr. Backus agreed to work with the Town on this.

Councilmember Starkey asked if the applicant would be willing to reduce light pursuant to a nighttime ordinance in the residential communities. She favored using the flex units along the Griffin Road corridor.

Councilmember Paul said the applicant had done a great job addressing the concerns. She was worried that the reduction in the number of units would mean the price of the units would increase. Mr. Stiegel said they had not priced the units as yet, but density usually did affect cost.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve item 4.20 subject to the following: that construction take place in one phase; the second commercial building construction begins prior to the issuance of the Certificate of Occupancy for the last residential building; lighting be compliant with any Code changes or other additional mitigation requirements; pavers be included at 74th, 76th and 78th, subject to DOT; architectural style compliance; the canal widening to the north side of 48th; no access to 76th; compliance with the night sky ordinance; reduction of the right-of-way to approximately 10 feet; raising the landscaping berm; aeration of the lake; and a commitment to work with the Housing Director to make 15% of the units affordable. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ms. Taylor-Prakelt advised that the current limit for affordable housing was \$229,000, but they targeted units to be in the \$169,000 to \$196,000 range. She stated that allowances were made for differences in interior grade surfaces and appliances to help keep the costs down, as well as waiving all

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Town fees [such as building permits] for the affordable units. Ms. Taylor-Prakelt agreed to work with the developer on this. Mr. Stiegel said there were many things that were usually considered to bring the prices down, but the last time they were before Council, things seemed to be “moving in the opposite direction.” Mr. Stiegel said once they had a site plan, they would price the units at the best price possible. Mayor Truex said if they would agree to work with staff toward attaining 15% affordable units, and agree that they had no rights unless the Town Council signed off on it, he would approve the project.

Ms. Taylor Prakelt said “workforce” housing targeted those making “80 - 120% as credit-worthy buyers,” and they had determined that these individuals could afford no more than \$229,000. The lower end of this spectrum was in the \$196,000 range. She explained that there was a deed restriction on the affordable units that they would remain affordable for 10 years. The County requirement was for 50 years.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve item 4.30 with the same conditions. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Mr. Cherof read the resolution for item 6.5 by title.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve item 6.5 subject to the same conditions as items 4.20 and 4.30. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Quasi-Judicial Items

6.6 **SPECIAL PERMIT** - SE 2-2-06, Laystrom and Voight/Iryn Farm, LLC, 5241 SW 82 Avenue (CF) (for a private equestrian facility with a trailer to be used as an office) (tabled from February 7, 2007) *Planning and Zoning Board recommended approval subject to the following stipulations: 1) the temporary use permit is for 18 months; 2) no commercial use; 3) no access from 82 Avenue; 4) no more than 16 horses to be stabled; 5) no audio equipment; 6) security lighting only; and 7) practice best method for horse manure disposal*

Council disclosed communications they had regarding this item. Mr. Peters summarized the planning report.

John Voight, representing the applicant, clarified the address and indicated that it was not possible to access 82nd from the property. He explained that the CF zoning was from a former owner who intended to build a church, but had sold off parcels of the property instead.

Mr. Voight continued that this owner wanted to be able to offer riding therapy for his disabled son and his classmates. To access the property from 82nd, the owner had put gravel down, and a neighbor had complained to Code Compliance, who cited the owner for the horses in the CF zoning district, the unpermitted trailer, and the gravel dumping. At the Special Master hearing, staff informed the owner that he needed to file the special permit application for the horses, and an engineering permit for the gravel. The application was filed in February 2006, the Development Review Committee (DRC) meeting was in June 2006, and public participation meetings were held in August, however, no residents attended. Mr. Voight explained that some residents had attended the Planning and Zoning Board meeting, and their suggestions were incorporated into the Board’s approval.

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Avio Batley, the owner, explained that he wanted to use the property for horse therapy and noted that there was an easement on 82nd Avenue that could be used in the future. He agreed to all the Planning and Zoning Board's recommendations during the temporary use.

Mr. Cherof opened the public hearing portion of the meeting.

Myrna Gallo wondered if the CF designation could not just be rescinded, since the horse stable predated that designation. Councilmember Paul noted that the special permit procedure was less costly and time consuming than the zoning change procedure.

Councilmember Paul suggested that they grant the permit for 4 years instead of 18 months.

Mr. Cherof closed the public hearing.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to approve the special permit subject to all Planning and Zoning conditions, for four years. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.7 **SPECIAL PERMIT - SE 11-01-06, Point West Center - I/AN Imports on Weston Road, Inc., 4050 Weston Road (BP) (to allow outdoor storage of vehicles) (tabled from February 7, 2007)** *Planning and Zoning Board recommended approval subject to a temporary special permit for 12 months subject to Town's Code Enforcement or other Town representative taking a visual observation of the site to look for any oil spills that may be hazardous and for the applicant to clean up any of those spills before proceeding with the installation of the mulch; and that the applicant accepts the conditions made by the Development Review Committee and will continue to comply with those conditions*

Heidi Davis, representing the applicant, stated that the request was to allow temporary parking of cars on property adjacent to the Maroone dealership for 12 months while a parking lot was constructed. She distributed copies of their explanation of how the request met all of the criteria to Council. Ms. Davis stated that the applicant agreed with staff's findings, and had addressed all of the DRC comments. They had also agreed to conduct an environmental assessment, the results of which she distributed. The results of this assessment were that "no further assessment appeared warranted at this time." Ms. Davis asked Council to approve the project.

Ms. Davis acknowledged that the applicant had been parking cars in this area for years, and there was a Code Compliance case against the property. Mayor Truex asked if there was a penalty for seeking the permit after the use had commenced. Mr. Dell stated that seeking the permit was part of the compliance process.

John Wishinsky explained to Councilmember Paul that the soil samples were collected from approximately six inches below grade, and no cars had been parked there when the samples were taken.

Mr. Cherof informed Councilmember Starkey that the Special Master had allowed the applicant time to secure the permit as a means to comply the property.

Councilmember Paul felt there should be a bond to cover any environmental issues that could arise during construction. She also wanted soil testing repeated after the parking lot was completed. Mr. Wishinsky said that based on the results of the tests already done, a visual inspection would be sufficient when the work was complete. He added that "the probability that contamination could be transported down to the groundwater based on what we saw at the surface is miniscule, maybe nonexistent."

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve.

Councilmember Paul reiterated her request for a bond, and asked Vice-Mayor Crowley to include the requirement for a \$60,000 bond in his motion. Ms. Davis asked what the \$60,000 would be for. Councilmember Paul said it would be for "the study that we don't know what our people are going to request, and then for anything that, if something was found, that would cover the cost of cleaning it up."

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Ms. Davis informed Councilmember Paul that their environmental engineer was licensed in the State of Florida, and she offered to have him meet with staff at the site to take samples when the work was complete. She did not feel a \$60,000 bond with unspecific terms was feasible.

Vice-Mayor Crowley advised that the Department of Environmental Protection would require that any spill be cleaned up.

Councilmember Starkey was concerned about recovering expenses for the efforts of Code Compliance.

Vice-Mayor Crowley amended his motion to recover all expenses as far as staff expenses and time that they had spent on the violation. Ms. Davis offered to cover these costs. Councilmember Starkey stated these costs should have been quantified by the magistrate at the hearing. Mayor Truex suggested \$5,000. Vice-Mayor Crowley withdrew the requirement for the bond.

Vice-Mayor Crowley restated his motion to approve, subject to recovering all staff time and fees at a minimum of \$5,000, subject to staff and Planning and Zoning Board recommendations, and another environmental study. Councilmember Caletka seconded. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3 - 2)

7. APPOINTMENTS

7.1 Mayor Truex

- 7.1.1. Mobile Home Task Force (two exclusive appointments - one representing a mobile home park owner/manager and one representing a mobile home renter or occupant)

Mayor Truex appointed Henry Whidden.

- 7.1.2. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.1.3. Water and Environmental Advisory Board (one exclusive appointment; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

- 7.1.4. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.2 Vice-Mayor Crowley

- 7.2.1 Mobile Home Task Force (two exclusive appointments - one representing a mobile home park owner/manager and one representing a mobile home renter or occupant)

Vice-Mayor Crowley appointed Scott Cristle and Carlton Branker.

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7.3 Councilmember Caletka

- 7.3.1 Mobile Home Task Force (two exclusive appointments - one representing a mobile home park owner/manager and one representing a mobile home renter or occupant)

Councilmember Caletka appointed Heidi Davis and Ernie Siegrist.

7.4 Councilmember Paul

- 7.4.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

- 7.4.2 Mobile Home Task Force (two exclusive appointments - one representing a mobile home park owner/manager and one representing a mobile home renter or occupant)

Councilmember Paul appointed Jerry Pass and Mitzi Clark.

7.5 Councilmember Starkey

- 7.5.1 Airport Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made.

- 7.5.2 Mobile Home Task Force (two exclusive appointments - one representing a mobile home park owner/manager and one representing a mobile home renter or occupant)

Councilmember Starkey appointed Frank Serra from Kings Manor.

- 7.5.3 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.1 Mobile Home Task Force (two non-exclusive appointments)

Vice-Mayor Crowley previously recommended Robert Barron. No objections were noted. Councilmember Starkey recommended Janet Riley. Council had no objections. Councilmember Starkey also recommended Brandon Biederman.

- 7.2 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

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8. OLD BUSINESS

8.1 McBroom Conservation Easement - Councilmember Starkey [deferred from February 7, 2007]

Councilmember Starkey wanted to honor the commitment Council had made to Mr. McBroom to install the berm, landscaping and trail on the west side of the canal prior to any road improvements. Mr. Cohen said that the project was moving forward.

8.2 Recovery Negotiations Report (Forensic Audit)

Mr. Shimun said this issue concerned the 49th Court construction. He stated that there were residents in the area without a certificate of occupancy, and the Town's auditors had recommended that the Town decide whether or not to pursue the matter.

Vice-Mayor Crowley said that in December 2004, it was decided that the Town would construct the road, and the Town had begun construction. He stated that the Town had begun the project and should finish it.

Mr. Peters advised that he had refused to sign off on the project because the Code specified that a developer was responsible for infrastructure prior to the issuance of a building permit, or for posting a bond, neither of which the developer had done. Mr. Peters said that the previous Public Works Director had written to him, stating that the Town was going to provide the infrastructure. He noted that Mr. Kutney informed him the Town had never done this before.

Councilmember Caletka agreed that the Town should finish the road.

Mr. Cohen informed Mayor Truex that it would cost approximately \$7,000 to \$10,000 to finish the road. Mr. Shimun noted that the Town had already spent \$46,000 on the project. Mr. Cherof advised that Mr. Shimun did not have the authority to waive the requirements when dealing with a contractor. Mr. Shimun said he was suggesting that Mr. Amos pay what he was obligated to pay.

Mayor Truex recommended that Mr. Cherof be given all of the facts so he could provide an opinion. Council all agreed.

9. NEW BUSINESS

9.1 Return of Credit Cards by Council - Councilmember Caletka [deferred from February 7, 2007]

Councilmember Caletka felt it would be a show of good faith if Council returned their Town credit cards.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, that Council return their Town credit cards.

Mayor Truex reminded everyone that all of the instances the property appraiser had claimed were abuses of Town credit cards had been researched and proven false. He noted that the cards made it easy to track spending. The problem was creating a report that held more detail.

Councilmember Starkey noted that when travel for the Town was necessary, the credit cards provided the best and easiest way to recover and document expenses.

Vice-Mayor Crowley said he would give up his card, but wanted to do this voluntarily, not because of a motion.

Councilmember Caletka withdrew his motion.

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10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER PAUL

QUARTERLY REPORTS. Councilmember Paul asked if the Council would be provided with quarterly reports. Acting Budget and Finance Director Carol Menke anticipated the report would be finalized by Monday for Council's review.

GRAU REQUEST. Councilmember Paul said they had received an e-mail from Grau stating problems they had experienced in "getting that financial report in line." Ms. Menke advised that a request had been made to Grau for an "open items" list and agreed to expedite this.

TREE LEGACY PROGRAM. Councilmember Paul indicated that residents were requesting memorial trees at Falcons Lea Park. She asked for information on the tree legacy program. Mr. Cohen agreed to research this and get back to Councilmember Paul.

PARK CONSERVATION EASEMENTS. Councilmember Paul asked for an update.

COUNCILMEMBER STARKEY

ORANGE PARK OUTREACH MEETING. Councilmember Starkey reported that she had attended this meeting and indicated that Councilmember Paul was honored and recognized for her years of service. Councilmember Starkey advised that the debris problem in the canal had persisted for years, and she wanted an update on the cleanup. She also wanted an update from the South Florida Water Management District on filling in the canal. Mr. Peters advised that there was a problem with the permit application to the Central Broward Water Control District as it needed to be signed by the owner or the owner's representative. Mr. Peters indicated that the application had a clause that the signer would be responsible for maintaining the facility. In this case, there were over 57 owners and the likelihood of getting the approval of the owners was not good. Mr. Peters stated that Vice-Mayor Crowley had suggested the application be submitted without the signatures, and the responsibility would be settled after it was approved. Councilmember Starkey requested a memo explaining the progress so she could report to the community.

ROBBINS LODGE FENCE AND CORRAL. Councilmember Starkey said that the paddock corral and pasture fence had still not been fixed. Council had directed that this be done, but now Councilmember Starkey was hearing there might not be money in the budget to pay for it. She requested a status report on this issue.

POLICE AND FIRE MEMORIAL. Councilmember Starkey announced that the memorial would be held on March 2nd and the statue would be unveiled.

VICE-MAYOR CROWLEY

FDOT EMINENT DOMAIN ACTION IN PARK CITY MOBILE HOME PARK. Vice-Mayor Crowley said approximately 100 mobile homes were slated for relocation to accommodate improvements to I-595. He felt the Town must monitor this situation. He suggested that Council invite FDOT to make a presentation and determine how the Town could help the residents.

ROLLING HILLS. Vice-Mayor Crowley asked to meet with staff to inspect the main entrance to Rolling Hills regarding the maintenance and irrigation. He wanted to consider the Town taking over maintenance because it was not clear who was responsible for the maintenance. Councilmember Starkey indicated that it was the developer's responsibility. Vice-Mayor Crowley stated that he would report back to Council with a possible solution.

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ADVERTISING FOR AUDITORS. Vice-Mayor Crowley thought Council had directed that no advertisements be made for auditors. Mr. Shimun advised that this issue was discussed but no direction was provided. Vice-Mayor Crowley said that Council had made it clear to renew the contract and not to advertise for an auditor. Council agreed. Ms. Menke advised that there had been a change to the name and there had been a question as to whether the contract could be renewed because of the name change. She stated that staff was directed to send out the proposal and two proposals were received, one of which was from Grau. As Council served as the selection committee, the auditors would make their presentations to Council.

MAYOR TRUEX

LEGISLATIVE TAX PROPOSALS. Mayor Truex wanted to discuss legislative tax proposals at the next meeting. Councilmember Starkey said the League of Cities had taken the position that many of the suggestions would have adverse financial impacts on municipalities, resulting in service cuts. Councilmember Caletka asked if staff could prepare an estimate of the loss of revenue the Town would suffer if the Homestead Exemption were increased.

TRANSLATORS. Mayor Truex noted the need for translators and wondered if they should create an inventory of multi-lingual staff members, and a policy for translators.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were made.

12. TOWN ATTORNEY'S COMMENTS

No comments were made.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 12:37 a.m.

Approved _____

Mayor/Councilmember

Town Clerk